

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

NOTICE PURSUANT TO FEDERAL RULE OF EVIDENCE 404(b)

The United States, by counsel, hereby provides notice of its intent to introduce evidence at trial of other crimes, wrongs, or acts described below, pursuant to Federal Rule of Evidence 404(b). The United States sets forth below certain evidence it intends to offer for the jury's consideration at trial, and hereby offers notice of that intent. The matters set forth in this notice are admissible for other purposes, including as direct and intrinsic evidence of the charges in the Indictment. As such, this notice does not concede that Rule 404(b) is the only basis for admission. This notice is provided, however, to provide fulsome discovery and to preserve the government's right to offer this evidence during the trial including as Rule 404(b) evidence. The government reserves the right to supplement this notice as necessary.

1. On or about May 29, 2018, the Defendant drafted and obtained victim C.A.'s signature on a handwritten, notarized document that stated as follows:

I Carol W. Adams and [sic] satisfied with the efforts of Cherie A. Washburn as she acted as my POA, Attorney in Fact, I understand she did her best to carry out my wishes and I asked and agreed to have her manage my money as best she could knowing she had also agreed to take care of me should my funds run out. Cherie A. Washburn was my friend and cared for me for many years, u hold her harmless if any monies were not handled greatly or well. Cherie Washburn had my blessing in every transaction she made. She spoke with me regularly and I love her and the care she gave me. I blessed her with some of my money because she was like a daughter to me and I knew she would always care for me. Any money she has of mine is hers in case I need her to care for me in the future.

The Government anticipates that its evidence will show the Defendant did not read the document to victim C.A. before she signed and that a notary was not present at the time. The Government also anticipates presenting evidence that Washburn later caused the document to be notarized. The Government offers this evidence for the purpose of demonstrating intent and absence of mistake, specifically that the Defendant knew that she had misappropriated funds from C.A. and sought to conceal this fact.

2. On or about May 30, 2018, the Defendant attached the above-reference document to a text message sent to C.A.'s new financial Power of Attorney ("POA"), D.H. The text message stated, in part, "I know you are taking over for [C.A.] and I think that's great." On or about June 5, 2018, the Defendant caused C.A. to execute a new P.O.A. agreement, again making Defendant C.A.'s POA. On or about June 14, 2018, the Defendant sent a text message to D.H. stating that Defendant was C.A.'s POA. The text directed D.H. to contact the Defendant's attorney with questions and threatened legal action "if you attempt to contact my work in anyway." The Government offers this evidence for the purpose of demonstrating intent and absence of mistake, specifically that the Defendant knew that she had misappropriated funds from C.A. and sought to conceal this fact.

3. The Defendant was terminated from her position as an Assistant Commonwealth Attorney in Campbell County due, in part, to false statements she made to her supervisor. The Government intends to offer this evidence pursuant to Rule 405(b) should the Defendant seek to introduce evidence regarding her character as a defense. The Government also intends to introduce this evidence on cross-examination pursuant to Rule 608(b).

Respectfully submitted,

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for the Western District of Virginia

/s/ Michael A. Baudinet
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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021 I electronically filed the foregoing Notice Pursuant to Federal Rule of Evidence 404(b) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

Michael A. Baudinet
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